

**PUBLIC MEETING**  
**August 14, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Michael McHugh, Frank Rives, Jerry Grebenc, Cheryl Green, David A. Lemm, Aleda Frey, Ralph Holmes, R. M. Hudnall, Tina Kuney, Burt Mittlestadt, Beverly Robinson, Willard Robinson, Jack and Scharf, Jim Steuding and Carole Byrnes.

Minutes. There were no minutes to approve.

Consideration of a petition to abandon a portion of the Michelle Drive Right-of-Way located adjacent to Lot 4, Block 2 of the Hahn Tracts, First Addition, in the NE¼ of Section 7, T10N, R3W. The petitioner, Tina Kuney, was present and indicated her willingness to proceed. Michael McHugh presented the staff report. The petition is to abandon approximately 170 foot length of Michelle Drive that is located within the Hahn Tracts First Addition. Currently, Michelle Drive is an 11 foot lane and has a fence that is encroaching on the centerline of the subject property. There is not sufficient room to maneuver emergency vehicles in this area. Lewis and Clark County maintains Hahn Drive from the intersection of McHugh Lane to the intersection of Michelle Drive, and Carol Drive. Staff recommended abandonment of a 120 foot section of Michelle Drive, that the applicant remove the fence that is encroaching upon the right-of-way; and that Michelle Drive be improved to county standards for a short cul-de-sac.

Tina Kuney, 4730 Michelle Drive stated that the purpose of this action is to pave the driveway for improved parking and maneuverability of vehicles because the road is narrow. She would like to have enough room for a garden and a shed. Her concerns include maintaining the road.

Michael McHugh stated the applicant would be required to improve the road to county standards from the intersection of Hahn Road to the cul-de-sac terminus of Michelle Drive.

Ralph Holmes, 4579 Christine Drive, stated the fence was put in several years ago to corral horses and was put along the edge of the road without knowing where the property line was. If necessary, he will remove the fence. To bring the road up to county standards does not seem reasonable because the road is petitioned to be abandoned and will not benefit anybody. He has no plans on developing the property.

Jim Steuding, 622 Third Street believes it would make more sense to enter from where the orange parcel starts, go east instead of going all the way down to the end of the fence.

Willard Robinson, 4706 Michelle Drive. His concern is where the cul-de-sac will be located and will it provide a safe turn around. UPS and garbage trucks back up into his driveway to turn around.

David Lemm, 55 W 14th Street asked for more clarification on how the road should be improved to county road standards.

Michael McHugh stated the current county standard for a short cul-de-sac allows for a 20-foot improved driving surface. The applicant will need a cul-de-sac with a 50-foot right-of-way radius with a 40-foot improved surface width radius. The subsurface would have to be compacted with 4 inches of undersurface gravel and 2 inches of the surface gravel brought in to construct a road. It would also require that barrow ditches be located along the improved surface width to allow for appropriate drainage and at their expense.

David Lemm further asked if the county needed to maintain the road from Pond Drive up to their place?

Mr. McHugh stated that the road needs to be constructed to standard and then the Public Works director and the County Commissioners will determine whether the county maintains it or if it is the responsibility of adjoining property owners.

Hearing no other public comments, the Chair closed this portion of the hearing.

Commissioner Murray moved that the Commission render a final decision on Thursday, August 21, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Determination of new evidence for a requested modification of conditions of approval for the Johns Minor Subdivision located in the SE¼ of Section 6, T10N, R3W. The applicants, Jack and Marjie Scharf, were present and indicated their willingness to proceed. Jerry Grebenc stated the proposal was granted preliminary plat approval on June 27, 1989. The applicants have requested that condition 7.c, the no-access restriction be lifted. The applicants also requested that condition 8.c be lifted. Portions of the property are located within the 500-year floodplain. The applicants wish to relocate the driveway that accesses their lot and work within the 500-year floodplain and the channel. Zoning regulations do apply and staff will have to revisit the applicants' request. The applicants could request a variance from the zoning.

Jack Scharf, 5075 McHugh Drive stated this property was in the 500-year floodplain when the lots were platted. The proposed storage sheds are not in the floodplain. He would like to construct a road in the low spot so he would not have to go through the neighbor's lot.

Jerry Grebenc reported that he made an error in the staff report. The subject is located in the CR-1 District of Special Zoning District A. Unfortunately on the map there is no reference to commercial uses. Staff will sit down with the applicant and figure out a

different route. The applicants can request a variance from the zoning, not a subdivision modification.

Commissioner Murray moved to table until September 4, 2001 to give staff and the applicants an opportunity to work on another course of action. Commissioner Varone seconded the motion and it carried unanimously.

Motion to table to September 4 is withdrawn. Staff will visit with the applicant during this meeting.

After consulting with the applicant, Jerry Grebenc recommended that the applicant go forward with the modification process and also proceed with the variance request process. The modification can be continued to comply with the zoning. Staff will notice a public hearing for the modification and the variance request.

Jack Scharf agreed with staff's recommendation.

Commissioner Murray moved to render a final decision on the applicant's request on August 21, 2001 at 9:00 a.m. because of his concerns with the channel flow and the road washes through the low spot. The motion died for the lack of a second.

Commissioner Varone moved that there is sufficient information to proceed with reconsideration. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Determination of New Evidence for a Requested Modification of Conditions of Approval for the Susan's Minor Subdivision. Frank Rives presented the report. The applicant, Todd Saarinen, was not present. The applicant has requested a reconsideration of condition 10 and a reconsideration of the decision not to grant the variance to chapter X.A.8.e of the county subdivision regulations (property access). The applicant has not been able to work with his neighbor to share the access across the front of the lot.

Commissioner Varone moved to deny the applicant's request for reconsideration for access to Green Meadow Drive from their lot because the perimeter road is a state-owned road and would require an additional easement width in the future. Commissioner Murray seconded the motion. The motion carried unanimously.

Resolution Ordering a Refund of Fees Paid. (cont. from 8/2/01) Cheryl Green reported Robert and Alice Anderson were double assessed for solid waste fees. Staff recommended a refund of \$172. Commissioner Murray moved to grant a refund to the Andersons in the amount of \$172 due to an erroneous assessment and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering Resolution 2001-88 be Rescinded. (cont. from 3/22/01) Cheryl Green requested that resolution 2001-88 granting a refund to Lester and Jean Bickel be rescinded as a duplicate of 2001-25. Tabled to Thursday, August 16 to allow staff an opportunity to prepare the resolution.

Health Department/Department of Public Health and Human Services (DPHHS) Contract. Ron Alles reported that this contract is in the amount of \$116,802 to provide public health services to infants, children and women of child-bearing age. The Board of Health and staff both recommended approval. Commissioner Murray moved to approve the contract and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Health Department/Friendship Center. Ron Alles reported this contract is in Partnership to Strengthen Families interagency coalition in the amount of \$20,722. The funds will provide home visiting for six families. Both the Board of Health and staff recommended approval. Commissioner Murray moved to approve the contract and authorize Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

DUI Task Force Renewal Agreements. Ron Alles reported that on the FY02 contracts with the City of Helena in the amount of \$6,100, East Helena \$890, Sheriff's Department \$2,429, and the Montana Highway Patrol \$3,406. Staff recommended approval. Commissioner Murray moved that the Commission approve the four agreements and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

MSU Extension Budget Agreement. (cont. from 8/9/01) Ron Alles reported that staff has forwarded information to MSU in relation to state statutes regarding compensatory time. Staff recommended approval of the agreement. Commissioner Murray moved to approve the agreement and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Blue Cloud Road Improvement Update. Jerry Grebenc reported that the Homeowners Association for the Blue Cloud Subdivision is interested in pursuing an RID to have the roads paved with asphalt. Currently, the subdivision conditions of approval and the subdivision improvements agreement require that chipseal be placed on the roads, but homeowners do not want the chipseal because of the long-term maintenance issues and would prefer asphalt. Staff recommended that the applicants request an extension of the improvements agreement, prepare new security for the chipseal and extend the improvements agreement to next summer in case the RID fails. The Commissioners indicated their support for the extension request and directed staff to expedite the process.

There being no other business, the meeting adjourned at 10:35 a.m.